

Panaji, 2nd June, 1988 (Jyaistha 13, 1910)

SERIES I No. 9

OFFICIAL GAZETTE

GOVERNMENT OF GOA

GOVERNMENT OF GOA

Department of Personnel

Notification

18/11/87-PER

In exercise of the powers conferred by the proviso to clause (3) of Article 320 of the Constitution, the Governor of Goa hereby makes the following regulations, namely:—

1. These regulations may be called the Union Public Service Commission (Consultation by Government of Goa) Regulations, 1988.

2. These regulations shall be deemed to have come into force with effect from 1st March, 1988 and shall be operative for a period of three months with effect from 1-3-1988 or till a separate or joint Public Service Commission for the State of Goa is set up, whichever is earlier.

3. In these regulations, the term "Commission" means "Union Public Service Commission".

4. It shall not be necessary to consult the Commission in regard to any of the matters mentioned in Sub-clauses (a) and (b) of clause (3) of article 320 of the Constitution in the case of the services and posts specified in the Schedule to these Regulations.

5. Save as otherwise expressly provided in the rules governing recruitment to the civil service or civil post concerned, it shall not be necessary to consult the Commission in regard to the selection for appointment.

(a) to a post included in All India Service, of any Officer who is already a member of an All India Service;

(b) to a post included in a State Service Group 'A' of any Officer who is already a member of an All India Service or a State Service, Group 'A'; and

(c) to a State Service, Group 'B', or to a post included in a State Service, Group 'B', of any officer who is already a member of a State Service, Group 'B', or State Service, Group 'C'.

Note: In this regulation, the terms "State Service" means Goa State Service, "Officer" means a person

holding the posts in the concerned service in accordance with the relevant Recruitment Rules.

6. (1) It shall not be necessary to consult the Commission in regard to the selection for a temporary or officiating appointment to a post, if.—

(a) the person appointed is not likely to hold the post for a period of more than one year; and

(b) it is necessary in the public interest to make the appointment immediately and a reference to the Commission will cause undue delay;

Provided that—

(i) such appointment shall be reported to the Commission as soon as it is made;

(ii) if the appointment continues beyond a period of six months, a fresh estimate as to the period for which the person appointed is likely to hold the post shall be made and reported to the Commission; and

(iii) if such estimate indicates that the person appointed is likely to hold the post for a period of more than one year from the date of appointment, the Commission shall immediately be consulted in regard to the filling of the post.

7. (1) It shall not be necessary to consult the Commission in regard to the making of any order in any disciplinary case other than:—

(a) an original order by the Governor imposing any of the following penalties:—

(i) censure;

(ii) withholding of increments or promotion;

(iii) recovery from pay of the whole or part of any pecuniary loss caused to the Government by negligence or breach of orders;

(iv) reduction to a lower stage in the time-scale of pay for a specified period, with further directions as to whether or not the Government servant will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay;

(v) reduction to a lower time-scale of pay, grade, post or service with or without further directions regarding conditions of restoration to the grade or post or service from which the Government servant was reduced and his seniority and pay on such restoration to that Grade, post or Service;

(vi) compulsory retirement;

(vii) removal from service;

(viii) dismissal from service;

(b) an order by the Governor on an appeal against an order imposing any of the said penalties made by a subordinate authority;

(c) an order by the Governor over-ruling or modifying, after consideration of any petition or memorial, or otherwise, an order imposing any of the said penalties made by the Governor or by a subordinate authority;

(d) an order by the Governor imposing any of the said penalties in exercise of his powers of review and in modification of an order under which none of the said penalties have been imposed.

(2) It shall not be necessary for the Governor to consult the Commission in any case where the Governor proposes to make an order of dismissal, removal or reduction in rank after being satisfied that such action is necessary in the interest of the security of the State.

8. It shall not be necessary to consult the Commission in regard to any matter mentioned in sub-clause (d) of clause (3) of article 320 of the Constitution—

(a) in the case of a person belonging to State Service Group 'C' or State Service Group 'D';

(b) in any other case, where the Government has accepted the claim of the Government servant.

9. It shall not be necessary to consult the Commission in regard to any of the matters mentioned in sub-clause (e) of clause (3) of Article 320 of the Constitution in the case of a person belonging to a State Service Group 'C' or State Service Group 'D'.

By order and in the name of the Governor of Goa.

A. V. Pimenta, Under Secretary (Personnel).

Panaji, 27th April, 1988.

SCHEDULE

(1) Posts in respect of which the authority to appoint is specifically conferred on the Governor by the Constitution.

(2) Posts of Chairman or Member of any Board, Tribunal, Commission, Committee or other similar authority created by or under the provisions of a Statute.

(3) Posts of Chairman or Members of any Board, Tribunal, Commission, Committee or other similar body appointed by or under the authority of a resolution of the State Legislature or by a resolution of the Government for the purpose of conducting any investigation or enquiry into or for advising the Government on specified matters.

(4) Posts on the personal staff attached to holders of posts mentioned in items (1) to (3) above.

(5) Posts of Private Secretary to the Speaker and Private Secretary to the Deputy Speaker of the State Legislature.

(6) District Judges, Sessions Judges, Additional District Judges and Additional Sessions Judges in the State.

(7) All civil and criminal Judicial posts in the State under the control of the High Court.

(8) All Class Group 'C' and Class Group 'D' service and posts save as otherwise expressly provided in the relevant rules or orders governing recruitment thereto.

(9) Personal staff of the Governor.

(10) Any service or post or class of posts in respect of which the Commission has agreed that it shall not be necessary for it to be consulted.

Agriculture Department

ORDER

10/1/79-AGR VII

The following order by the Government of India Ministry of Agriculture (Deptt. of Agri. and Coopn) New Delhi, which was published in the Government of India (Extraordinary) Part II, Section 3 Sub-section (ii) is hereby republished in the Official Gazette for general information of the public.

(i) Order No. S.O.252(E) dated 11-3-1988.

A. P. Panvelkar, Under Secretary to the Government of Goa.

Panaji, 9th May, 1988.

No. 1-13/87-Fert.Law

GOVERNMENT OF INDIA

MINISTRY OF AGRICULTURE

(Department of Agriculture and Cooperation)

ORDER

New Delhi, the 11th March, 1988.

S.O. 252 (E) In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order further to amend the Fertiliser (Control) Order, 1985, namely:—

1. (1) This order may be called the Fertiliser (Control) (Amendment) Order, 1988.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Fertiliser (Control) Order, 1985, in Schedule - I, under the heading 'Part-A specification of Fertilisers' : —

(1) under the sub-heading "1(b) Straight Phosphatic Fertiliser", after serial number 6 and the entries relating thereto, the following serial number and entries shall be added, namely: —

1	2
"7. Single Super Phosphate (16% P ₂ O ₅ Granulated).	(i) Moisture, per cent by weight, maximum — 5.0
	(ii) Free phosphoric acid (as P ₂ O ₅) per cent by weight, maximum — 4.0
	(iii) Water soluble phosphates (as P ₂ O ₅) per cent by weight, minimum — 16.
	(iv) Particle size — Not less than 90 per cent of the material shall pass through 4 mm IS sieve and shall be retained on 1 mm IS sieve. Not more than 5 per cent shall pass through 1 mm IS sieve."

(2) under sub-heading "1(c) Straight potassic Fertilisers", against serial number 1 relating to Potassium Chloride (Muriate of Potash), in column 2, against entry (ii), for figure "58.0" figure "60.0" shall be substituted.

Sd/-

(G. RANGA RAO)

Joint Secretary to the
Government of India

Department of Urban Development

Notification

3-13-27-88-DUD

The following draft amendment which is proposed to be made to the Goa, Daman and Diu Municipalities (Election to Subjects Committees) Rules, 1970 is hereby pre-published as required by sub-section (1) of Section 306 of the Goa, Daman and Diu Municipalities Act, 1968 (Act No. 7 of 1969), for information of the persons likely to be affected thereby and notice is hereby given that the said draft amendment will be taken into consideration by the Government on the expiry of thirty days from the date of publication of this Notification in the Official Gazette.

All objections and suggestions to the draft amendment may be forwarded to the Secretary to the

Government of Goa, Department of Urban Development, Secretariat, Panaji before the expiry of thirty days from the date of publication of this Notification in the Official Gazette.

DRAFT AMENDMENT

In exercise of the powers conferred by sub-section (2) of Section 306 read with clause (c) of sub-section (4) of Section 63 of the Goa, Daman and Diu Municipalities Act, 1968 (Act No. 7 of 1969), and all other powers enabling it on that behalf, the Government of Goa hereby makes the following rules so as to amend the Goa, Daman and Diu Municipalities (Election to Subjects Committees) Rules, 1970, namely:—

1. *Short title and commencement.* — (1) These rules may be called the Goa Municipalities (Election to Subjects Committees) (Amendment) Rules, 1988.

(2) They shall come into force at once.

2. *Amendment of Rule 2.* — In rule 2 of the Goa, Daman and Diu Municipalities (Election to Subjects Committees) Rules, 1970, in clause (i), for the expression " 'B' or 'C' Class Council", the expression " 'A', 'B' or 'C' Class Council" shall be substituted.

By order and in the name of the Governor of Goa.

D. V. Sathe, Under Secretary to the Government of Goa U.D.

Panaji, 20th May, 1988.

Department of Power

Notification

2/36/84-Power

In exercise of the powers conferred by sub-section (2) of section 21 read with section 51A of the Indian Electricity Act, 1910 (Central Act 9 of 1910) the Government of Goa hereby makes the following amendment to the Government Notification No. 2-192-78-IPD dated 25-4-1978 (hereinafter called the "Principal Notification") namely:—

(i) In part I of the principal Notification, in clause 26, for sub-clause (a), the following shall be substituted namely:—

"a) The Department may require any consumer to enter into a formal contract in the form prescribed by Government and further to deposit security in cash for the payment of energy supplied. This security deposit shall be returned at the termination of the contract".

By order and in the name of the Governor of Goa.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 19th May, 1988.

Law (Legal and Legislative Affairs) Department

Notification

10-3-88/LA

The Major Port Trusts (Amendment) Ordinance, 1988 (Ordinance No. 1 of 1988) which has been promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 28th January, 1988 is hereby republished for general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 17th February, 1988.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 28th January, 1988

Magha 8, 1909 (Saka)

The Major Port Trusts (Amendment) Ordinance, 1988

No. 1 of 1988

Promulgated by the President in the Thirty-ninth Year of the Republic of India.

An Ordinance further to amend the Major Port Trusts Act, 1963.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*— (1) This Ordinance may be called the Major Port Trusts (Amendment) Ordinance, 1988.

(2) It shall come into force at once.

2. *Amendment of section 88.*— In section 88 of the Major Port Trusts Act, 1963,—

38 of 1963.

(a) in sub-section (2),—

(i) in the opening portion, for the words "All moneys standing at the credit of the Board", the words "Subject to such general or special directions as the Central Government may, for the purpose of maintenance or development of major ports in the country or generally for the development of shipping and navigation, give in this behalf, all moneys standing at the credit of the Board" shall be substituted;

(ii) in clause (a), for the words "scheduled bank or banks", the words "corresponding new bank or banks" shall be substituted;

(iii) in clause (b), the word "or" shall be added at the end;

(iv) after clause (b), the following clause and Explanation shall be inserted, namely:—

'(c) be given as a loan to the Board of another port for the development of that port.

Explanation.— For the purposes of this sub-section, "corresponding new bank" means a corresponding new bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 or the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980.'; 5 of 1970. 40 of 1980.

(b) after sub-section (2) the following sub-sections shall be inserted, namely:—

"(3) Every direction issued by the Central Government under sub-section (2) shall be complied with by the Board and shall not be called in question in any court on any ground.

(4) No suit or other legal proceeding shall lie against the Central Government, the Board or any officer or other employee of the Board authorised by it in this behalf for any loss or damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any direction issued under sub-section (2)."

R. VENKATARAMAN,

President.

S. RAMAIAH,

Secy. to the Govt. of India.

Notification

10/3/88/LA

The following notification received from the Government of India, Ministry of Law and Justice (Legislative Department), New Delhi, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 20th May, 1988.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 12th April, 1988.

Notification

S.O. 381(E) In exercise of the powers conferred by section 1 of the Parsi Marriage and Divorce (Amendment) Act, 1988 (5 of 1988), the Central Government appoints the 15th day of April, 1988 as the date on which the said Act shall come into force.

(F. No. 11/18/85-Leg.III)

Sd/-

(B. R. ATRE)

Joint Secretary and Legislative Counsel.

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